Economic&PoliticalWEEKLY

ISSN (Online) - 2349-8846

COVID-19, Domestic Abuse and Violence: Where Do Indian Women Stand?

EPW ENGAGE

There are many dimensions to domestic violence, including the gendered division of domestic work, all of which are rooted in the exercise of patriarchal power.

As the COVID-19 pandemic has forced several countries into a lockdown, cases of domestic violence rose at an alarming pace all over the world. On 6 April 2020, the United Nations Secretary-General Antonio Guterres called for a "ceasefire" to address the "horrifying global surge in domestic violence." According to sociologist Marianne Hester, "domestic violence goes up whenever families spend more time together, such as the Christmas and summer vacations."

Closer home, after Prime Minister Narendra Modi announced the nationwide lockdown, the number of domestic violence complaints received by the National Commission for Women (NCW) had doubled. From 30, in the first week of March, the number of complaints rose to 69 between 23 March and 1 April. As complaints surged, the NCW announced a WhatsApp number to receive complaints, to be more accessible to women who find themselves in abusive homes. However, as Jaya Valenkar of the women's rights organisation, Jagori, told IndiaSpend, "If a woman has to complain or seek help from a helpline about her family being abusive, she needs to have a landline or mobile phone while being 100% sure that she is not being overheard--whether it is her marital home or natal home." With almost 57% of the women in India not having access to phones, their options for registering complaints under the lockdown are now limited. Sometimes, women rely on other family members to report on their behalf. For instance, the Press Trust of India reported that the NCW

Economic&PoliticalWEEKLY

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received a complaint filed by a father on behalf of his daughter whom he alleged was being brutally beaten by her husband, and being denied food. There are many dimensions to domestic violence, all of which stem from the exercise of patriarchal power.

Another significant aspect responsible for this surge in domestic abuse is domestic labour. Gendered roles world over have placed domestic work on women's shoulders, which is socially and culturally often demarcated as "women's work." Under lockdown conditions, domestic work can be especially taxing if it is not divided equitably. Urvashi Gandhi, the director of another global, women's rights organisation has said, "The load of work [during the lockdown] has increased in houses because everybody is at home. With housekeeping staff being unavailable, the expectation is for women to bear the load, and chances of violence increase if she fails to do so."

While there are laws in place to protect against domestic abuse, it is not easy for the judicial system to break into the stranglehold of the patriarchal family. Neither is there societal will, as the following articles will show. In this reading list, we examine the laws and the redressal mechanisms available to women who are subjected to domestic violence.

Family as the Primary Site of Abuse

Writing in 1998, Malavika Karlekar observed that there was a surprising lack of academic work done on violence against women in India, even though there was no dearth of statistics. She cites Patricia Uberoi's work, where the reason for this silence is attributed to patriarchal family structures and the idea of honour. These cultural norms have created a certain hesitance in subjecting the family and its intimate relationships to public scrutiny.

> Uberoi feels that though the "family is also a site of exploitation and violence . . . sociologists appear to eschew issues of social pathology, at least in regard to the family'' [Uberoi 1995:36]. This is because the family is ."a cultural ideal and a focus of identity", its inviolability as an institution reaffirmed by an environment which limits interaction and discourse between the professional academic and the activist. The situation is compounded by the fact that familial concern with propriety, honour ('izzat') and reputation makes it difficult for those researchers interested in investigating violence within the home to gain access to those perceived as victims. Thus it is hardly coincidental that a large percentage of available data on violence against women locates the family as a major cause of oppression and subsequent ill health and loss of identity.

The Most Vulnerable—Dalit Women

In 2014, D Sujatha worked on a project on "Domestic Violence and Dalit Women" for Anveshi (Women's Studies Research Centre, Hyderabad 2012–13). The project was funded

Economic&PoliticalWEEKLY

ISSN (Online) - 2349-8846

by Oxfam India, and the fieldwork was conducted in Hyderabad, Warangal, and Karim Nagar in Telangana, the East Godavari district in coastal Andhra and Anantapur in Rayalaseema region of Andhra Pradesh. During the course of this project, she found that "unlike women from the dominant castes, Dalit women are used to working outside the home and their labour is considered crucial for the survival of the family," and more often than not, the home runs on her income. Despite that, she found that the Dalit women were subordinated in terms of power relations to men, both in terms of patriarchy and caste hierarchy. "The everyday discrimination against Dalit women," she wrote, "is further marked by mental, emotional and physical violence by their spouses and other family members."

> The urgent need to study domestic violence against dalit women received momentum due to the National Family Health Survey – NFHS (2006) which showed that the prevalence of violence is much higher against women belonging to the scheduled castes and tribes (SC/ST) as compared to women outside these categories. The percentage of SC women facing physical violence is 41% while that of ST women is 39.3%, Other Backward Classes (OBC) women is 34.1% and that of other women facing physical violence at the domestic level is 26.8%. In terms of emotional violence, SC women account for 19%, ST women 19.5%, OBC women 16.9%, and other women 20.9%.

The Uselessness of the Law

The Protection of Women from Domestic Violence Act (PWDVA or Domestic Violence Act) was enacted in 2005. But, as Flavia Agnes wrote in 2019, "even after a decade and a half, the assurances made in the act have not been actualised when we examine the cases which are filed under this act." Citing individual cases from her experience working with women's rights organisations, Agnes argued that though the act itself expanded the definition of domestic violence to include not just physical but also verbal, emotional, sexual and economic violence and provided the scope for urgent, protective injunctions, along with economic rights including maintenance and compensation, its fruitful implementation was impeded by cultural factors that informally guide the functioning of the police and the judiciary, as this case demonstrates.

> Let's start with Anita George[2], a frail woman of around 40 who was severely beaten by her husband ever since they got married. Finally, when she could not endure it any more, with the support of a well-wisher she approached the State Women's Commission, a statutory body mandated to help women. She pleaded that her husband was threatening to kill her. When the husband did not respond to the letter sent by them to come for counselling, she was referred to the local police station. Instead of registering a complaint, the police called her

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> husband for counselling, and then sent her back to her matrimonial home. Both the agencies did any follow-up, nor was any step taken to ensure she was safe. The case would be documented as a success story in their records.
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> Three months later, the husband assaulted her brutally and broke three of her ribs. In utter despair, she drank poison and would have died, but for the timely intervention of her sister, who admitted her to a nearby hospital. The state agencies that sent her back to her abusive husband were not held accountable for her condition. It was a herculean task to get the police to register a complaint under the much-maligned Section 498A, IPC (Indian Penal Code). We also filed a case under the Domestic Violence Act (DV Act) for protection and maintenance—which is still languishing.

The Impact on Women's Health and Rights

Violence against women, and particularly domestic violence, forms a vicious cycle that keeps women subordinated and disempowered. Using data from the National Family Health Survey-4 (2015-16), Srinivas Goli, MD Juel Rana and Jitendra Gouda have studied the effects that intimate partner violence has on women's health and well-being. They found domestic violence to be alarmingly common in the Indian society, where the chances for the woman to overcome her circumstances are limited because, unlike many developed countries, fewer women are able to access help and take counselling, which leads to extensive obstetric complications and adverse pregnancy outcomes. The authors add that intimate partner violence combating strategies also need to consider its root causes, that is, the powerlessness and subordination of women in households.

> Violence as a determinant of health is a relatively less discussed issue, although it has a significant bearing on morbidity and mortality worldwide. The attainment of the sustainable development goals (SDGs) of health will remain difficult unless all forms of violence, especially against women, are eradicated. The terms—violence against women, intimate partner violence (IPV), spousal violence and domestic abuse—are often used interchangeably, and have minimal difference in what they imply (Ahmad and Jaleel 2015). In true sense, all forms of violence are interrelated and affect women, even before their birth and until their death (Dive 2011; Watts and Zimmerman 2002).

Read More:

Criminal Law on Domestic Violence | Jayna Kothari, 2005

Economic&PoliticalWEEKLY

ISSN (Online) - 2349-8846

Speaking of Abuse: The Pyramid of Reporting Domestic Violence in India | Suraj Jacob and Sreeparna Chattopadhyay, 2019

Access to Facilities for Women Experiencing Domestic Violence | Shireen J Jejeebhoy and K G Santhya, 2019

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